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Atari Online News, Etc.
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->From the Editor's Keyboard "Saying it like it is!"

This was one of those weeks in which you didn't want to have fly by quickly! While the calendar depicts near the end of February, the temperatures have been downright spring-like! Hovering around 60 degrees for most of the week has been enjoyable. Did I hear someone is going to Pennsylvania for a groundhog dinner?!

Not too much exciting going on lately. Microsoft continues to amaze me. The more I read, the more I'm glad that there are people out there who view Microsoft as a greedy power-hungry company that needs to be knocked down a peg or three. And Microsoft still continues to be a bully. I'll let you read about it within these pages; I could go on for days ranting about my opinions!

A friend at work got me hooked on yet another game on the PC. I wish it was an Atari game, but alas. Anyway, she's been talking about "Diablo" for months, and I finally picked up the entire set when I was in Maine a couple of weeks ago. I started playing a week ago and now it's hard to stay away from it. It reminds me of "Dungeon Master" to a certain degree. You roam around mazes in a dungeon, from level to level, seeking weapons, treasures, spells, potions, and defeating every monster in sight! While I'll still consider "Dungeon Master" a better all-around game, "Diablo" is an adequate alternative. In fact, as soon as I get this issue finished and posted, I'm off to getting back into the game!

Until next time...

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Nominations Wanted For The MyAtari 2002 Awards

Dear Atari users,

I am pleased to inform you that MyAtari magazine has just added a new article (The MultiJoy8 Interface by Harry Reminder) to its February 2002 issue! The other exciting news is, next month, MyAtari will be holding its

first annual awards. However, before voting begins in March, we want you to send us your nominations for the following categories;

Best Atari web site of the year
Best Programmer of the year
Best Commercial release of the year
Best Shareware release of the year
Best PD/Freeware release of the year
Best Game release of the year
Best Hardware upgrade of the year
Best Atari supporting company of the year
Best Atari magazine of the year
Outstanding contribution to the Atari community

To read the latest issue or submit your nominations, please visit our web site at http://www.myatari.net

Best Regards,

Matthew Bacon, Editor

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PEOPLE ARE TALKING

compiled by Joe Mirando
joe@atarinews.org

Hidi ho friends and neighbors. This is going to be a fairly short column this week. It seems that things were just going just too damned good for me, so I went and broke one of my toes. Now the Universe is again in balance. <wry grin>

It was nothing spectacular, believe me. I woke up Tuesday morning and, after shutting off my alarm clock, turned around to walk out into the living room and whacked my little toe on the door jam. The nasty little crack-crunch sound told me all I needed to know... the darned thing was broken.

When the stars in my vision subsided, I found myself sitting on the corner of the bed holding my already swelling and discoloring foot and cursing like my grandfather.

Having broken a toe or two in the past, I did everything a doctor would have done... I taped it up, iced it down, and cautioned myself about staying off of the foot for a while.... Then I went to work.

Yep, that’s right. I’m really not very bright about stuff like that. I figure that, if I’m going to be miserable anyway, I’d might as well get paid for it.

On the up-side, the swelling has gone down and the bruising, although more widespread than it had been, is much less vivid than it had been.

When I told an aunt that I don’t leave it taped when I’m lounging

around at home told me that I should have it taped all the time so that it'll end up as straight as possible. She threw her hands up in disgust when I told her that if this one ended up being straight that it would make the others look funny.

I've always been of the opinion that a sense of humor can see you through just about anything. I still believe that, since my sense of humor is what has kept me going to work this week.

Of course, the fact that I'm Director of Quality Control for a company that has its ISO audit tomorrow had NOTHING to do with it. <grin>

Well, while I ice down my foot some more, let's take a look at what's going on with folks on the UseNet.

From the comp.sys.atari.st NewsGroup

Phil "Puffin" asks about booting from a SCSI card reader:

"I can't seem to be able to boot from my new Microtech DPA PCD25BHSF card reader. This is the one with 2 slots: one PCMCIA which I use with a CompactFlash card, and one SmartMedia drive.

I'm using HDDriver 7.55 on a MegaST4 with TOS 1.4 and a Link 97. I've tried everything that I did with my Syquest (which boots properly now), but the card reader doesn't want to boot. The only way I can get it to boot is by having a floppy in the disk drive with HDDriver in an AUTO folder. Otherwise, the card reader reads and writes fine.

My other trouble is when removing the card from the card reader. If I remove one card, I can't read either card. I tried placing MEDIACHG.TOS in the AUTO folder that I'm booting from, but it doesn't help.

Has anyone else with a Microtech card reader try booting from an ST? And anyone know why others have no problem exchanging cards while I do?"

Dr. Uwe Seimet tells Phil:

"It might be worth trying HDDRIVER 8.1 (demo version for a start). What's the serial number of your HDDRIVER, BTW? I cannot find you in the database of registered users."

Phil tells Uwe:

"...To set the records straight...I bought my copy of HDDriver from Systems For Tomorrow back in 98. (Still have the receipt!) I just never got around to sending it overseas from the US (which I admit, still makes me nervous) to upgrade. This includes upgrading NVDI 4 to 5. My handle is from my brother's fantasy baseball team - The Puffin' Puffins. Catchy, eh? So unless Puff Daddy wants to sue me for trademark infringement, I'll stick with it. :-)

I'll try the version 8.1 demo from your site and report back to this thread...

I just tried using HD Driver 8.1 demo, but the card reader still will

not boot. I also checked the bytes per sector and it is 512."

Uwe tells Phil:

"In this case it might be that the device requires initiator identification. (Did you enable this in HDDRIVER/HDDRUTIL?) If this is the case (like with some Quantum hard disk drives) TOS is not able to boot from it."

Hallvard Tangeraas posts this about TOS 2.06 shortcuts:

"In addition to the obvious keyboard shortcuts which are listed when you press the <HELP> key in TOS 2.06 I'm looking for other useful shortcuts. So far I've written the following for my TOS 2.06 user-guide:

```
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Starting up
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*When the computer is booting (starting up) for the first time or has
been restarted after a "cold reboot" you will see the Atari logo in the
upper left hand corner of the screen followed by a memory test.

* Depending on how much memory your computer has, the memory test can
take more than a minute to complete.
Press any key to bypass the memory test.

* If you have a hard disk you may want to wait a few seconds before
bypassing the memory test as it'll give the drive the time needed to get
ready.

* Hold <CONTROL> while booting to boot without any AUTO programs,
ACCessories or the TOS 2.06 setup file ("NEWDESK.INF").

This will load the hard-disk driver (if you have a hard disk) making it
available from the desktop, but nothing else and is useful for
situations where you've messed up one or several setup files, or have
problems with certain AUTO programs/ACCessories. After booting this way
you can disable/remove them and reboot again the usual way.
After entering the desktop, go to the "Options" menu and select "Install
Devices" which will give you access to all the hard disk partitions).
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```

I've also noticed that if you press (and keep holding) the <ALT> key while booting the machine will completely bypass the hard disk (not even loading the hard disk driver).
I'm wondering if this is a feature of TOS 2.06 or a keyboard-shortcut of the hard disk driver (I'm using "HDdriver")?

Moving on to more keyboard shortcuts...

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Keyboard Shortcuts
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TOS 2.06 allows for several keyboard shortcuts.
There are shortcuts for most of the window menu functions (go to the
"File", "View" or "Options" menus and you'll see a letter on the right
hand side of any of those drop-down menus, indicating the shortcut
letter, which can be changed if you wish).
```

Some of the non-menu specific shortcuts are shown by pressing the <HELP> key while others are undocumented elsewhere, but explained here.
In the examples below i.e. <ALTERNATE> and D means "press and keep holding the ALTERNATE key while pressing D....

* <ALTERNATE> and 1: set display to low resolution (if available).

* <ALTERNATE> and 2: set display to medium resolution (if available).

* <ALTERNATE> and 3: set display to high resolution (if available).

* <ALTERNATE> and drive letter: opens a new window with the contents of that drive
(i.e. <ALTERNATE> and D opens up a new window with the contents of drive D).

* <CONTROL> and drive letter: replaces the currently active window with the contents of that drive
(i.e. <CONTROL> and F replaces the window with the contents of drive F).
If there are no open windows on the desktop this shortcut will open a new window with the contents of the drive letter you've entered.

* <ALTERNATE> and double-click a folder: will open a new window with the folder's contents.

* Hold down the <ALTERNATE> and double-click on a folder: the contents of the folder will open into a new window.

* Hold down (and keep holding) <SHIFT> while single-clicking files/folder to select several items at once (i.e. copying/moving/deleting several files and/or folders at once).
You can also use the mouse to scroll up/down the window if necessary, without loosing the selected files as long as you keep holding the <SHIFT> key.

* Hold down <CONTROL> while copying files: the files will be moved (the originals will be deleted.)

* Hold down <ALTERNATE> while copying files: you can rename the new copies of the files.

* Hold down <ALTERNATE> and <CONTROL> while copying files: this both moves the files and lets you rename the new files.

* Press <ESC>: refresh (update) the current active window. Useful if you've got a window open showing the contents of a floppy disk which you've exchanged with another disk in the meantime. Pressing <ESC> will show the contents of that new disk.

* Most windows with choices have a default option which is highlighted in bold as shown here (the "OK" button):
   [image]
If you press <RETURN> (or <ENTER> in most cases) this option will be selected.
The default option is usually also the "safe" choice, which is good to know if you're in doubt and afraid of messing things up).

* Don't have a mouse? Not a permanent solution, but...

* <ALTERNATE> and arrow keys to navigate
(keeping the keys depressed repeats the movements, the speed according the keyboard repeat rate set in the "general" CPX control panel module).

* <ALTERNATE>, arrow keys and Shift to navigate more accurately.

* <ALTERNATE> and Insert to select a file/icon/program
(single-mouseclick).

* <ALTERNATE> and Insert (twice) to open a file/icon/program
(double-mouseclick).

* <ALTERNATE> and (keep holding) Insert while using arrow keys to drag file/folder/program.

* <ALTERNATE> and (stop holding) Insert while using arrow keys to drop file/folder/program.

* <ALTERNATE> and numeric keypad: get access to ANY character available in the Atari character set, regardless of which language keyboard your computer has
(i.e. hold <ALTERNATE> while typing 142 on the numeric keypad, then release the <ALTERNATE> key which presents you with the letter ˜).
Look up the Atari ASCII character set table for the decimal equivalants of each character.

Anyone know of other useful keyboard shortcuts I could be adding to the user-guide?"

Bjorn Spruck asks Hallvard:

"How about CTRL-ALT-DEL for WARM BOOT and CTRL-ALT-SHIFT-DEL for COLD BOOT?"

Hallvard replies:

"Thanks. Yup, included it yesterday.
I’ve also noticed that sometimes even a cold-reboot won’t relieve the computer from a really nasty crash. Sometimes I have to physically press the on/off power switch, wait for a few seconds, then turn it on again."

Edward Baiz asks about installing EasyMiNT:

"Has anyone successfully installed this. I am ready to do so myself, but I have some questions. What OS do you have to be in when you do the install? Also, the program requires the file tree to be in a certain order when the rpm packets are installed. I was wondering, does the program ask which rpm packet to install next? If not, how do you arrange the listing so the whole thing installs properly?"

Rafal Kawecki tells Edward:

"The installation is really simple. You just start the program and go for a walk ;-)

First you have to make few basic things manually (like selecting the partition to be ext2 or giving the path to naes or xaaes etc.).

Then EasyMiNT installs MiNT (kernel + MINT folder) and resets the computer. The rest is going under MiNT. You don’t have to unpack anything. EasyMiNT makes everything for you."

Edward tells Rafal:

"Ok, sounds simple enough. Then I could start under regular TOS and go from there. Why does the program reset the computer? Does it do this to start up Mint and then finish the installation? "

Rafal replies:

"EasyMiNT has to install many things on the ext2 partition and under regular TOS it’s impossible."

Janka Gerhard jumps in and says:

"Wow, sounds great ! ATM I have KGMD plus a few updates running (only package I could install without any problems) but on that system I never succeeded in installing any of the rpm archives. Probably some parameter not set or set wrong in mint config or somewhere else, really have no idea.

So if EasyMiNT installation would enable me to finally use the sparemint archives the only (dumb ?) question before I try installing it is where can I download it ?"

Rafal provides the necessary URL:

"http://www.ndh.net/home/kehr/atari/Atari.htm"

Well folks, that’s it for this week. Tune in again next week, same time, same station, and be ready to listen to what they are saying when...

PEOPLE ARE TALKING

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->In This Week’s Gaming Section - Xbox Debuts In Japan!
Strong Video Game Sales!
Concerns Over Racist Video Games!
And more!

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->A-ONE’s Game Console Industry News - The Latest Gaming News!

Microsoft Xbox in Marathon Battle with Japan Debut

Software giant Microsoft Corp will launch its Xbox game machine in Japan on Friday, squaring off against Sony Corp's PlayStation 2 for dominance of the world's most competitive video game market.

The key test is whether Xbox can repeat its strong U.S. debut and convince Japan's gamers and video game software makers that the stark black box with its green logo is here to stay.

Microsoft sees Xbox carving a significant chunk out of the $20 billion global video game industry and has committed $500 million in marketing muscle to challenge the world's best-selling consoles -- Sony's PlayStation 2 and PlayStation.

A rectangular box sporting a huge "X," the Xbox sells for 34,800 yen ($262), 5,000 yen more than the PlayStation 2 and 9,800 yen more than Nintendo (news - web sites) Co Ltd's GameCube.

But for video games, pricing often is not as critical as an enticing game selection, which can make or break game consoles since they generate lucrative royalties.

Xbox's success will depend on whether its 12 Japanese game titles to debut on Friday, and others to follow, will resonate with users.

"It's a decent game line-up," said ING Barings analyst Lisa Spicer. "But there's no killer title that you can't find anywhere else."

To give it an extra edge, Microsoft will also sell 50,000 special edition tranluscent models from Friday.

Microsoft has stressed it is easier and cheaper for publishers to write games for the Xbox than it is for PlayStation 2, and that would help it match Sony's vast game line-up.

But it has a long way to go.

While the Xbox has 75 U.S. and 31 Japanese game titles lined up, PlayStation 2 already has 220 and 400 out.

And Sony isn't standing still.

Sony Computer Entertainment Inc launched an early assault on Xbox in November by slashing the price of the PlayStation 2 console to 29,800 from 35,000 yen, which tripled weekly sales.

In the last three months of 2001, the number of PlayStation 2 machines sold to date spurted to 25 million from 20 million.

"I don't think they're going to come around and take Sony's position anytime soon," said Spicer.

Estimates for sales at the launch vary, but most expect the number to come nowhere near Sony's one million PlayStation 2 machines sold in the first 10 days when it debuted in March 2000.

Microsoft has not disclosed its initial sales target and allotment.

"Expectations are for 150,000 to 400,000 units," said Credit Suisse First Boston analyst Jay Defibaugh. "I would think that the 1.5 to 2 million hard-core gamers would be able to create that kind of demand."

At its U.S. launch on November 15, Microsoft said it shipped more than 600,000 units.

Other signs point to a strong Japan start for the Xbox.

The attach rate -- the number of game titles that sell along with console -- are expected to be near the estimated 3.5 attach rate seen in the United States in November, analysts say.

Amazon.co.jp, the Japanese unit of Amazon.com Inc, said its initial pre-order allotment of Xbox machines sold out within a day, although it won't disclose how many units it got hold of for the first and second pre-order batches.

A spokeswoman at Amazon said demand was "more than expected" and that the most popular games at the Web retailer were "Dead or Alive 3," "Project Gotham Racing" and "Jet Set Radio Future."

Further out, experts said real growth would only come when the machine reaches a wider market.

"The problem is they need more than hard-core users to make the business successful," said Nomura Securities analyst Yuta Sakurai. "That's important not only for Microsoft but also for software developers."

And the Xbox is certainly capable of being more than a video game machine given its high-capacity 8-gigabyte hard drive and high-speed Internet-ready Ethernet port.

However, Microsoft itself has offered mixed signals about its plans to expand the game's role.

A few weeks after the U.S. launch, Chief Executive Steve Ballmer hinted that the Xbox was part of a "broader concept," only to be followed by a denial by Microsoft that it planned to make Xbox a home entertainment hub -- which is what Sony envisions for the PlayStation 2 by delivering video, music and the Internet.

Microsoft would have an advantage over Sony if it were to have such aspirations, since the PlayStation 2 requires a 18,000 yen add-on kit for a 40-gigabyte hard drive and Ethernet port to match the Xbox's built-in features.

For now, the rivals have both said they would support their machines with online gaming to allow users to compete and interact in virtual game worlds from their living rooms.

Microsoft has said that the Xbox's online game offerings will follow each launch by about six months.

"Network gaming is going to amount to a significant portion of game maker profits for a few years," said CSFB's Defibaugh. "Success will depend on that."

New Titles Drive Strong Video Game Sales

The release of two new hit games has boosted U.S. video game sales in the first weeks of the new year, traditionally a slack time after the year-end boom season, according to a brokerage survey released on Wednesday.

The signs of strong demand come after a record year in which U.S. video games and consoles reached a record $9.4 billion, spurred by the launch of three new game machines.

Those game consoles, which had been sold out at many retailers late last year, are now in stock at more locations, according to the Goldman Sachs Gaming Software Survey.

Only 51 percent of retailers reported being sold out of Nintendo Co. Ltd.’s GameCube and 38 percent out of Microsoft Corp.’s Xbox, the survey said.

Both the GameCube and Xbox launched in mid-November. At the last survey, in mid-December, 77 percent of retailers were sold out of Xbox and 69 percent were out of GameCube.

The only console in increasing short supply was Sony Corp.’s PlayStation 2, with 13 percent of retailers out of stock in the new survey, up from 11 percent at the last one.

Sony sold more than 8 million PS2s from its Nov. 2000 through Dec. 31, while Microsoft says it sold 1.5 million Xboxes through year-end, and Nintendo says it sold roughly the same as Microsoft through December.

Goldman Sachs said anticipation for games like Take-Two Interactive Software Inc.’s "State of Emergency," which takes place during an urban riot, and THQ Inc.’s "WWF Raw," a wrestling game, had helped overall sales to be "on target or slightly ahead of expectations."

The survey said that one retailer sold 100 copies of "WWF Raw," an exclusive Xbox title, within days of its launch last week, while another said they sold 80 copies the first day. The brokerage also said retailers were near-unanimous in calling "Raw" a better game than THQ’s "WWF Smackdown" for PS2.

Another retailer told the brokerage she had already sold out her 80 copies of "State of Emergency," which launched last week.

Goldman also said many retailers consider the game a natural follow-on to Take-Two’s "Grand Theft Auto 3," another violent game that was the best-selling title of 2001.

The brokerage surveyed 62 retailers in New York, Los Angeles, Chicago, Denver, Dallas, Salt Lake City and San Francisco between Feb. 12 and Feb. 15. Among those surveyed were Wal-Mart Stores Inc. and Best Buy Co. Inc.

Winter Sports Get A Workout In Video Games Winter

The 2002 Winter Olympics may be coming to a close, but the Games’ spirit can slalom right into spring with several snow sports video game titles. Though these games in general aren’t as fully developed and involving as,

say, the SSX snowboarding series, they still may warm a winter-lover's heart:

* Salt Lake 2002 (* * * out of four; Eidos; for PlayStation 2, also for PC; $49.99; all ages). With its second Olympics title -- the first based on Sydney's Summer Games two years ago, for the original PlayStation -- Eidos' goal was to take full advantage of PlayStation 2's graphics and processing power. SL2002, the official game of the Olympics, certainly moves closer to the ideal.

Players can select from four modes -- Freeform, Olympic, Classic and Tournament -- and each can be played alone or against others. In Freeform, players practice in preparation for the medals race. Olympic mode lets players compete against the computer. Tournament mode consists of a four-round night competition against other qualifying countries. In Classic, players control the weather as they race the clock for top rankings.

Six events are represented -- men's Alpine skiing, ski jumping, snowboarding slalom, women's Alpine slalom, women's freestyle aerials and the two-man bobsled -- though experienced players may pine for more. All events are user-friendly and the courses are maneuverable, while the moves are complex enough to remain challenging. And, with a choice of 16 countries and five difficulty settings, competitors get a good, long quest for the gold.

* Winter X-Games Snowboarding 2002 (* * * ; Konami; for PlayStation 2; Xbox due next week; $49.99; all ages). Even as snowboarding makes its prime-time Olympics debut (after a daytime run at Nagano), Winter X-Games Snowboarding returns for a second year to the PS2. They make a formidable team.

X-Games has three game modes. In the X-Games mode, players select one of five events and, with a successful qualifying run, land in the X-Games competition against the computer. Dual mode lets players see who's best in head-to-head battle.

In the Snowboarder mode, Snowboarding has the feel of a role-playing game. Players create their own snowboarder and try to get an invitation to the X-Games by gaining endorsements and sponsors as they travel to small-town competitions.

Players can choose from 13 pro snowboarders, including this year's Olympic halfpipe silver medalist Danny Kass, to pull off numerous moves and combinations. Extreme players can spend countless hours perfecting jumps, but this may not appeal to those less knowledgeable about the sport. However, with crisp graphics and a funky soundtrack, Winter X-Games Snowboarding 2002 is a rush.

* ESPN International Winter Sports 2002 (* * 1/2; Konami/ESPN; for PlayStation 2; also for GameCube, out for Xbox next week; $49.99; all ages). In ESPN Winter Sports, players can experience the thrills and spills of the Olympics in 10 events, including downhill skiing, snowboarding, bobsledding, figure skating and curling. Eight countries are represented -- as are both genders, though in this game, ski jumping is strictly for men and figure skating is for women only.

There are three game modes. Trial mode lets players practice events before competing. Head-to-Head allows them to joust for dominance on a split screen. In Championship mode, players select a representative from one of

eight countries to compete against the computer.

Maneuvering through some events is cumbersome. In ski jumping, for example, players must tap two buttons simultaneously and then press a third to pull off a successful jump. Other events, such as slalom skiing, are difficult to complete and require time and practice to conquer. But vivid graphics and adequate gameplay make this game, if not golden, at least a solid bronze.

* Jonny Moseley Mad Trix (* * ; 3DO; for PlayStation 2; $49.95; all ages). Freestyle skiing 1998 gold medalist Jonny Moseley adds another trophy to his cabinet -- his very own video game. Mad Trix has two modes. In Competition, players progress through different slope styles, performing tricks (such as the 360 mute grab, which won Moseley the gold) to win a medal, equipment or the chance to star in a movie. In Freeride, players can simply ski through a venue, exploring new tricks without time or competitive pressures.

But much like Moseley himself, Mad Trix comes up short in this year’s competition. The artificial intelligence is not challenging, and it’s not particularly difficult to execute tricks. The lack of a head-to-head mode leaves players few choices. Graphics are adequate at best, and the soundtrack is probably best on mute.

Video Games Raise Concerns Over Racism

The Anti-Defamation League issued a report Tuesday warning of computer games that espouse racist violence.

The organization’s main exhibit was "Ethnic Cleansing," a computer game sold by Resistance Records, a small underground label that specializes in bands spouting racist and Nazi messages.

The game requires players to wander through urban streets and subway tunnels and to attack African-American, Hispanic and Jewish characters. Besides offensive racial stereotypes, the game includes repeated racist images and audio content.

Later in the week, the copyright holder of the software tools used to create the game disavowed any involvement with "Ethnic Cleansing."

While there are no indications "Ethnic Cleansing" or more primitive games such as "Aryan 3" have spread beyond a marginal following of racists and neo-Nazis, Abraham Foxman, national director of the ADL, said it was disturbing to see the emergence of a "seductive" new vehicle for disseminating racist beliefs.

Initially, "Ethnic Cleansing" looks little different from popular shooting games such as "Quake." The sophisticated graphics of the game could attract players who wouldn’t realize the true nature of the material until they were well into the game, Foxman said.

"It piggybacks on something that is very legitimate and popular and perverts it," he said. "It can attract people who aren’t necessarily going to look for this kind of material."

Foxman said the ADL’s main goal was to raise awareness before such games

proliferate. The Resistance Records Web site states that the developers of "Ethnic Cleansing" are working on a new game based on "The Turner Diaries," the anti-government novel that inspired Oklahoma City bomber Timothy McVeigh.

"Our hope is that we can alert the general public that something like this can come into the home," Foxman said.

Representatives for Resistance Records did not return a request for comment.

Foxman said the ADL was also looking into the type of software that allows amateur programmers to create such games. "Ethnic Cleansing" was created with Genesis 3D, a collection of graphics tools freely available under an open-source license.

"We think you have a certain responsibility...to make sure your patents aren't perverted for reasons of hate," Foxman said.

The Genesis 3D copyright was acquired by software developer WildTangent as part of its 1999 acquisition of Eclipse Entertainment. The software has been distributed under an open-source license since that time, however, and Wild Tangent has had no involvement with it, Wild Tangent CEO Alex St. John said in a statement.

"We have no more association with the content that is produced on this engine than Microsoft has with the content posted on the Internet that uses Internet Explorer or a CD manufacturer has with the content distributed on their media," he said. "We at WildTangent regret any association, no matter how distant, with the game engine highlighted in the Anti-Defamation League report and certainly do not support nor condone the use of our technologies to sponsor hatred or to recruit individuals to hate groups."

Brian Marcus, a researcher at the ADL's Internet monitoring unit and author of the report, acknowledged the difficulty of using software licensing restrictions to limit hate speech, especially among the largely self-policing open-source community.

"That's the nature of the open-source community," he said. "You're putting it out there for the good of the community, but if someone wants to misuse it, it's there for them as well."

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->A-ONE Gaming Online - Online Users Growl & Purr!
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Chu Chu Rocket STFM/TT Released

The Reservoir Gods have completed their conversion of "Chu Chu Rocket" to the TT and STF/STM/STFM.

"Chu Chu Rocket" is a conversion of the popular DreamCast arcade puzzle game. It includes multiplayer battle games, single player puzzle sections and a two player co-operative mode.

The new STFM version lacks the stereo sampled sound effects of the STE/TT & Falcon versions, and has a less defined palette, but all other features are intact.

Keep your eyes peeled for "GodPey", the new game from Reservoir Gods, coming soon!

http://rg.atari.org/

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Judge Orders Microsoft To Reveal Code

A federal judge late Friday told Microsoft it must disclose portions of the Windows source code, including XP and XP Embedded, to nine litigating states and the District of Columbia.

U.S. District Judge Colleen Kollar-Kotelly delivered her order during a conference call between the parties, potentially expanding the amount of source code available to trustbusters. The states had access to some Windows source code during the liability and settlement phases of the trial.

Access to the newest version of Windows, which was not included in the original trial, potentially ups the ante in the nearly 4-year-old antitrust case. After a June appeals court ruling, which upheld eight separate antitrust violations against Microsoft, state attorneys general talked tough about including Windows XP in a remedy--a position from which they later backed off.

"Bringing Windows XP back into the picture could be tough on Microsoft," said Gartner analyst Michael Silver. The operating system is one of the linchpins of Microsoft's .Net Web services strategy.

The two sides are expected to put together a protective order governing use of the source code, but how much would be accessible to the states--particularly for flagship product Windows XP--remained uncertain Saturday.

"The parties will work together to govern the use of the source code," Microsoft spokesman Jim Desler said Saturday.

Still, analysts warned that Microsoft must take serious precautions to make sure Windows XP source code does not fall into the hands of competitors, which have been working closely with the nine states and the District of Columbia. In separate legal briefs filed during the last few weeks, Microsoft charged that competitors AOL Time Warner and Oracle had a hand in crafting the states' remedy proposal that could change how Microsoft develops and deploys software.

"The question is giving the source code to the states like giving it to Microsoft competitors," Silver said. "They would have to hire experts to go through the code, so you would have to see what precautions you need to make sure there is an appropriate safeguard put on there."

Silver also predicted Microsoft would be very careful about how much code is released.

"You're airing your clean and dirty laundry and nobody really wants that," he said.

The states asked for source code access in part because they want Microsoft to sell a stripped-down version of Windows, without the so-called middleware technologies, such as Web browsing, instant messaging and media playback. The software giant contends this is technically impossible.

The battle over the Windows source code spotlights two dramatically different remedies before Kollar-Kotelly. In November, the Justice Department and nine states settled with Microsoft, while nine other states and the District of Columbia continued with the litigation.

The Justice Department settlement would place restrictions on Microsoft's business practices, but the Windows operating system, at the heart of a court ruling branding Microsoft a monopolist, would emerge largely unchanged. And Windows XP, once a focal point of further proceedings, would be free of any significant restrictions.

The litigating states, by contrast, want restrictions affecting Microsoft software. In their December remedy proposal, the 10 attorneys general asked Kollar-Kotelly to compel Microsoft to give away the source code to Internet Explorer, to through auction license Office for competing operating systems, and to carry Sun Microsystems' Java in Windows for 10 years.

The tone of the states' position has grown harsher in recent weeks, leading to some speculation that California Attorney General Bill Lockyer has taken a more prominent role in the case. Lockyer, whose state is home to some of Microsoft's largest competitors, has been a vocal advocate of extending the remedy to include Windows XP.

California's position has changed since the Justice Department dropped out of litigation. With $3.7 million set aside for the legal battle, California is now in the strongest position to dictate the case's direction.

Kollar-Kotelly will hold a March 6 hearing about the settlement, as part of her evaluation of whether the proposed deal is in the public interest. The Nixon-era Tunney Act mandates antitrust settlements be in the public interest and that no backroom political deal making influenced the process. Kollar-Kotelly has indicated she will not rule on the settlement before the remedy hearing commences March 11.

Sixty days of public comment over the settlement proposal concluded Jan. 28, with about half the 30,000 comments opposing the settlement. On Thursday, the Justice Department posted the 47 most exhaustive comments, including those from Microsoft competitors AOL Time Warner, Palm and Sun Microsystems; more than a dozen trade groups; and consumer advocate Ralph Nader, among others.

Technically, Kollar-Kotelly does not have to review the settlement and remedy proposals against each other, but that is an option open to her. Settlement approval is not contingent on the outcome of the remedy process. The judge also has the option of rejecting the settlement and simply imposing a remedy.

This apparently is a position of the litigating states, which in comments to the Justice Department asked the settlement be withdrawn.

Ironically, such action would diminish the role of Lockyer and his counterparts.

"Be careful what you ask for," said Emmett Stanton, an antitrust lawyer with Fenwick & West in Palo Alto, Calif. "If she rejects the settlement and there is no appeal, then ironically the state attorneys general are pushed to the sidelines because the federal case takes precedence again."

Kollar-Kotelly’s source code order capped off a week of brutal legal fighting between Microsoft and the litigating states. The parties fired a barrage of legal briefs, sometimes five a day, as both sides prepared for the March 11 remedy hearing. Among other things, the states sought to limit Microsoft’s number of witnesses, and the software giant charged that Oracle had colluded with attorneys general to draft a remedy proposal favoring competitors, not competition.

On Monday, the states filed an emergency motion asking Kollar-Kotelly to strike 18 people from Microsoft’s list of potential witnesses, which includes Chairman Bill Gates and CEO Steve Ballmer. Eleven other Microsoft executives and 21 third-party witnesses also are on Microsoft’s list.

The litigating states initially assembled 16 witnesses, making up a "Who’s Who" list of Microsoft competitors to testify at the remedy hearing, including executives from AOL Time Warner, Novell, Palm, RealNetworks, Red Hat and Sun. A Gateway executive also will testify on behalf of the states.

Interestingly, Microsoft listed the only Oracle witness.

In a legal brief contending that Oracle refused to deliver subpoenaed documents, Microsoft alleged that Oracle Vice President Ken Glueck was one of the "prime movers" in the states’ drafting their remedy proposal. Trustbusters had pulled the Oracle executive from their final witness list, but Microsoft apparently planned to call Glueck, presumably to discuss his role in the states’ proposal.

On Valentine’s Day, Microsoft informed the court that the discovery dispute with Oracle had been resolved.

The states’ request for access to the Windows source code dominated the latter half of the week’s legal filings and conference calls between the judge, Microsoft and the litigating parties.

"Microsoft cannot base its defense on the design of its source code and simultaneously deny the litigating states the opportunity to test those arguments by interrogating the code," the states argued in a midweek legal brief. The filing asked the court to appoint a technical committee to review the source code.

In a Friday filing, Microsoft rebutted that the states first raised the source code issue in a Feb. 9 phone call, but should have made a formal request by the Dec. 14 document deadline.

"The Court should deny the non-settling States' motion in its entirety," Microsoft's brief contended.

An unrelated drama quietly unfolded behind Microsoft and the states' weeklong legal fight. Major media organizations, including The Associated Press, CNN and The New York Times, had petitioned the court to make public depositions for the remedy process. A deposition is sworn oral testimony generally available only to the parties in the action.

But in yet another blow to the news organizations, Kollar-Kotelly on Thursday denied a request for an expedited hearing on the matter. Depositions in the case started Jan. 22. The news outlets had asked for access to five depositions and deposition transcripts.

Microsoft Abusing Antitrust Settlement, States Say

Microsoft Corp. has already used its proposed settlement with the U.S. Justice Department to impose harsher terms on computer manufacturers that buy its software, the states still pursuing the antitrust case against the company alleged on Tuesday.

In a legal brief filed with U.S. District Judge Colleen Kollar-Kotelly, the states cited the comments of a Microsoft executive to bolster their argument that the settlement is weak and has not diminished the software giant's ability to abuse its monopoly in personal computer operating systems.

The nine states seeking tougher sanctions against Microsoft said they should be allowed to speak at a hearing on the proposed settlement due to start March 6. Currently they are due to present their alternative proposals at separate remedy hearings starting the following week.

Based on the Feb. 8 deposition of Microsoft senior vice president Richard Fade, the non-settling states charge the company has taken advantage of the terms of the proposed antitrust settlement "to adopt significantly more onerous licensing terms and to impose them on the (computer manufacturers)."

Microsoft spokesman Jim Desler accused the states of distorting Fade's deposition and said the idea that Microsoft was improperly benefiting from the new licensing terms was "simply inaccurate."

The states said Microsoft had forced computer manufacturers to agree to sign a provision that would go further in preventing them from enforcing the patents on their own hardware against Microsoft.

Computer manufacturers reasonably might have expected a consent decree

with the federal government to decrease Microsoft's power, but "as Mr. Fade attested, (the settlement) has had the opposite effect," the states said.

The states added that the top 20 PC manufacturers were all unhappy with the new terms.

"Although more evidence is needed, the evidence gathered to date indicates that Microsoft may not only have profited from its (settlement) negotiation, but negotiated in order to profit," the states said in their brief.

Microsoft's Desler said the patent provisions cited by the states were standard in past Windows licensing agreements and have been reviewed by U.S. and European regulators.

"It's fairly predictable that the states would distort information gathered in the deposition process in their effort to undermine the settlement reached by Microsoft, the department of justice (news - web sites) and a bipartisan group of states," Desler said.

An appeals court in June agreed with a lower court that Microsoft had illegally maintained its monopoly in personal computer operating systems, but rejected splitting the company in two to prevent future violations.

The U.S. Justice Department and another nine states that had joined in the case have agreed to a settlement with Microsoft that would, among other things, give computer makers more flexibility to feature rival software on their machines.

Nine states, including California and Massachusetts, have rejected the settlement deal as inadequate and are pressing for more severe sanctions against Microsoft.

They want to force the company to sell a cheaper, stripped-down version of Windows, to give competitors easy access to the detailed Windows code and ensure Microsoft's Office suite of business programs works with other software platforms.

Be Sues Microsoft, Alleges 'Destruction'

Be Inc. , the failed maker of a computer operating system hailed by some as a high-powered rival to Microsoft Corp.'s dominant Windows platform, said on Tuesday it is suing the software giant for allegedly destroying its business through anti-competitive practices.

Menlo Park, California-based Be, most of which was acquired last year by handheld computer maker Palm Inc. , said in a filing with federal court in San Francisco that Microsoft struck deals with PC makers barring them from installing more than one operating system on computers they sold.

"Microsoft harmed Be through a series of illegal exclusionary and anticompetitive acts designed to maintain its monopoly in the Intel-compatible PC operating system market," Be said in the statement.

The suit is the latest legal headache for Microsoft, which is battling a U.S. government antitrust suit as well as private class action suits and a

new case filed by rival AOL Time Warner Inc. alleging Microsoft harmed its Netscape browser unit.

Microsoft was not immediately available to comment.

Last August, Be said it was selling its operating system, called the BeOS, to Palm for $11 million. Elements of BeOS are expected to be included in Palm's next operating system, Palm OS 5.

Shares in Be rose 2 cents, or 20 percent, in Nasdaq trading. While the company sold its product assets to Palm, it held on to other assets like cash and receivables, as well as some contract obligations and the right to pursue some legal action like antitrust claims.

The BeOS, introduced in 1990, had been hailed as a visionary product for its multimedia abilities, elegance and ability to run many programs at the same time.

But while it had a core of devoted fans, including science fiction writer Neal Stephenson, Be never achieved commercial success. Most recently, it powered a short-lived Web-oriented computer from Sony called the eVilla.

"The great idea behind BeOS was to start from a clean sheet of paper and design an OS the right way. And that is exactly what they did. This was obviously a good idea from an aesthetic standpoint, but does not a sound business plan make," Stephenson wrote in his 1999 operating system essay "In the Beginning Was The Command Line."

Be's founder, Jean-Louise Gassee, became a poster child for missed opportunities when he reportedly turned down an offer by Apple Computer Corp. in 1996 to buy the company for $125 million.

Gassee, according to the book "Apple Confidential," wanted $200 million. Apple eventually bought Next, a company started by Apple's co-founder and former chief executive, for $400 million. The Next operating system now powers Apple's newest computers.

In the late 1990's, Be also saw increased competition from the upstart Linux operating system, which gained ground as a free alternative to Windows and other proprietary software.

Court to Decide on Web Copyrights

The Supreme Court agreed Tuesday to intervene in a fight over copyrights, deciding whether Congress has sided too heavily with writers and other inventors.

The outcome will determine when hundreds of thousands of books, songs and movies will be freely available on the Internet or in digital libraries.

Groups challenging copyright law argued that justices should protect the public's right to material.

The Bush administration urged the court to reject the groups' appeal. Because copyrighted material can be used under some circumstances, "the concerns and values reflected in the First Amendment are therefore fully satisfied," Solicitor General Theodore Olson wrote the court.

The Constitution authorizes Congress to give authors and inventors the exclusive right to their works for a "limited" time. In 1790, copyrights lasted 14 years. Now it’s 70 years after the death of the inventor, if the person is known.

Lawrence Lessig, attorney for the challengers, said the latest 20-year extension approved by Congress in 1998 is ill-timed and unconstitutional.

"Just as the time that the Internet is enabling a much broader range of individuals to draw upon and develop this creative work without restraint, extensions of copyright law are closing off this medium to a broad swath of common culture," he wrote.

The challengers include organizations and businesses that specialize in former copyrighted material, like books, movies and songs. The U.S. Circuit Court of Appeals for the District of Columbia ruled that they "lack any cognizable First Amendment right to exploit the copyrighted works of others."

The Bush administration said Congress promotes progress by giving people rights to their material. The administration also defended lawmakers’ decision to apply the 20-year extension to all current copyrighted material, not just future.

"Congress was entitled to establish a system of copyright that treats authors in a more evenhanded fashion," Olson wrote in the government filing.

The 1998 copyright changes, known as the Sonny Bono Copyright Term Extension Act, bring U.S. rules in line with those in the European Union.

Congress extended the term of copyright 11 times in the past century, said law professor Mark Lemley, representing the non-profit Internet Archive.

Lemley told the Supreme Court that copies of old books, movies and sound recordings are being lost before they can be archived. He said in 1930, 10,027 books were published but as of last year, all but 174 were out of print.

If it wasn’t for the law, "digital archives could inexpensively make the other 9,853 books published in 1930 available to the reading public starting in 2005," he wrote. If the law "still stands, we must continue to wait, perhaps eternally, while works disappear and opportunities vanish."

Settling another copyright battle, the court ruled last year that free-lance writers have online rights to their work. That decision affected tens of thousands of articles that were in regular newspapers and magazines that had been reproduced in electronic form. In another case in 1991, justices said that telephone directory listings generally are not protected by copyright law.

No Olive Branch For Napster

Napster and the Big Five record labels are headed back to court after a month of court-sanctioned settlement talks closed without agreement.

The lapsed deadline opens the door for potentially uncomfortable scrutiny of the music industry's licensing practices even as it sets in motion once again legal proceedings that could result in billions of dollars of damages against the pioneering file-swapping service.

The day before granting the legal stay in January, Judge Marilyn Hall Patel said she was planning to allow an investigation into how the labels have accounted for ownership of the songs they say have been stolen through Napster. Patel also said she would open an investigation into the issue of copyright misuse, or whether the labels have abused their control of music copyrights.

Patel will now likely move ahead with those orders as she looks at whether the labels should be granted summary judgment or a win in the case without going to a full trial. No date has been set for the release of those orders or for going to a full trial.

The lack of a settlement spells trouble for a quick launch of Napster's planned music-subscription service, which was delayed late last year to wait for agreements with the music labels.

After more than two years of bitter legal battles, the labels asked a federal court last month for a monthlong time-out to concentrate on a settlement with the once-controversial start-up. Both sides said at the time they were close to finding common ground.

But that legal "stay" expired Sunday without the two sides reaching agreement. Both sides said Tuesday that the litigation would continue without a renewal of the time-out period.

"Given the current state of settlement negotiations, it didn't make sense for the record companies to agree to Napster's request to keep the litigation on hold," said Recording Industry Association of America General Counsel Cary Sherman.

Napster said it hadn't asked the courts for an extension, but that it did plan to continue settlement talks.

"Napster is continuing our settlement and licensing discussions with the major labels and we remain confident that agreements can be reached in the near term," Napster Chief Executive Konrad Hilbers said in a statement.

A representative of the RIAA, the trade group spearheading the lawsuit on behalf of the music labels, could not immediately be reached.

Napster has been negotiating with each of the Big Five record labels, hoping both for an end to the lawsuit, which closed its original file-swapping service, and for the rights to distribute major-label content through its new subscription service.

That's no small goal, even for companies not facing a lawsuit potentially worth billions of dollars. No other music start-up has been able to win licenses from all five of the major labels. Hilbers has said that he would consider launching without all five, but has said he expects to settle with all of them.

A federal judge gave file-swapping company Napster a significant win in court Friday, ordering new scrutiny of the big record labels' ownership rights to music that could affect their own online plans.

The order does not affect the legality of Napster's file-swapping service, which has already been shut down as a result of previous legal decisions. Rather, U.S. District Judge Marilyn Hall Patel's decision Friday opens a potential can of worms for the music industry as it seeks to push its own Internet music-distribution plans.

With Napster charged with copyright infringement by the record industry, the company's attorneys have long sought to make a case that the big record labels invalidated their rights by engaging in copyright "misuse."

Specifically, Napster argued that the labels have sought to impose anti-competitive licensing terms with online rivals even as they have created joint ventures among themselves aimed at tapping the same market.

Friday's decision gave new life to those arguments.

"The evidence now shows that the plaintiffs have licensed their catalogues of works for digital distribution in what could be an overreaching manner," Patel wrote. "The evidence also suggests the plaintiffs' entry into the digital distribution marketplace may run afoul of antitrust laws."

HP Attacks Hewlett on Compaq

Hewlett-Packard Co. on Friday launched its most scathing attack yet on dissident director Walter Hewlett and his opposition to the Compaq Computer Corp. merger, calling him a "man who has no plan" for the future of the company.

With less than a month until shareholders vote on the $21 billion merger and the outcome far from clear, HP board members said Hewlett's proposals announced this week amounted to a cobbled together, "now you see it, now you don't" strategy.

In the open letter to shareholders, HP said "You may have read that Walter Hewlett has a 'plan' for HP. Or perhaps you read that he does not have a plan. Maybe you read both, depending upon which day of the week it was, or what Walter Hewlett thought was expedient to say at the time ...

"So when Walter Hewlett tells you he has no plan and then says he really has one, and then vehemently denies he has a plan and then says he has a new plan -- all in a matter of two weeks -- only one thing is entirely clear: this is a man who has no plan for the future of your company or your investments in HP shares," the letter said.

Hewlett responded with a brief statement defending his calculations that HP would be worth $14 to $17 per share more without Compaq.

Hewlett said this week his alternative to the merger was a "focus and execute" strategy aimed at expanding HP's printing and high-end services division. However, he has been inconsistent in the terms he has used to describe that vision, telling Reuters he had a strategy, not a plan, then

in a later statement referring to the "details of the plan."

"In its most recent letter to HP stockholders (the fourth this week), HP continues its unseemly campaign to attack me rather than attempt to support the merits, or lack thereof, of its proposed merger with Compaq," he said on Friday.

Hewlett issued three releases on Tuesday alone and has been arguing against the merger in letters to shareholders and newspaper ads, while Hewlett-Packard management has launched an equally aggressive campaign of its own aimed at garnering support ahead of the March 19 shareholder vote on the Compaq merger.

Hewlett’s ally, David Packard -- the two are sons of HP’s legendary founders -- cast suspicion on HP’s claims of strong support in the ranks on Wednesday, when he issued the results of a poll of HP employees in Corvallis, Oregon, in which nearly two-thirds opposed the deal.

A December HP survey of approximately the same employees had shown about three-quarters backed the deal.

In the Friday letter, HP board members lambasted Hewlett for waffling on whether he had a plan: "Your investment and your money are real -- Walter Hewlett’s plan is not."

Hewlett has tried to keep the fight focused on whether to approve the merger, while management has argued that investors needed to be presented with a clear and preferable alternative in order to vote against the deal.

Both sides have taken to referring to the other in condescending terms, while calling for fewer personal attacks, in what has become something of a soap opera for the business press.

HP Chief Executive Carly Fiorina, who engineered the merger, has called Hewlett’s opposition to the deal "irresponsible." For his part, Hewlett has made clear that if the deal is scrapped, Fiorina should be fired.

New Software Raises Privacy Concerns

Right now, your boss, your spouse or the government could secretly be reading all your typed words - even the ones you deleted - while surreptitiously snapping your picture.

Sound alarming? The man who makes it possible is the first to agree.

"It’s horrifying!" said Richard Eaton, who develops, markets and even answers the technical help line for WinWhatWhere Corp. software.

"I’m Mr. Guard-My-Privacy, so it’s kind of ironic," said Eaton, a lanky 48-year-old with a diamond stud earring. "Every time I add a feature into it, usually it’s something that I’ve fought for a long time."

His qualms haven’t stopped him from selling the product, though, more than 200,000 copies of it, to everyone from suspicious spouses to the FBI.

And Eaton is building ever-more-detailed monitoring tricks into his

Investigator software. The latest version, released this month, can snap pictures from a WebCam, save screen shots and read keystrokes in multiple languages.

Investigator already can read every e-mail, instant message and document you send and receive, even if you delete or never even saved what you typed.

The $99 downloadable program runs "hidden in plain sight." It changes names every so often, and files containing the information it gathers are given arbitrary old dates to make them difficult to find.

The monitor can choose to have a user’s every move sent to an e-mail address, or the program can be instructed to look for keywords like "boss," "pornography" or "terrorist" and only send records when it finds those prompts.

Software like Investigator was virtually unknown two years ago. Now it’s become a lucrative niche market, attracting plenty of competitors and at least one product that aims to track down the snooping software itself.

Federal investigators in Seattle used Investigator to snag suspected Russian computer hackers, one of whom was recently convicted on 20 counts including conspiracy, various computer crimes and fraud.

Another, similar product was used in the FBI’s investigation of alleged mobster Nicodemo Scarfo Jr.

A Maywood, N.J., security firm called Corporate Defense Strategies used Investigator at an import/export firm to snare two employees who were selling company merchandise and pocketing the cash.

CDS President Jeff Prusan has since used it to help clients catch employees who send out resumes, download pornography or spend their shifts playing games.

"It’s unfortunate that it has come to this, but I’ve always believed that it’s better to know what’s going on than not," Prusan said.

Miki Compson, a computer consultant and mother of four in Severn, Md., used Investigator to track computer correspondence from a suspicious person who she said ended up stalking her daughter.

She’s recommended it to other parents whose kids were corresponding with adults and defends the practice as a safety measure.

Eaton says he wouldn’t likely use it on his own two children "I’d talk to them!" but he also doesn’t feel comfortable telling people what to do with his invention.

And although he hates to hear tales of deception in the fast-growing market of spouse tracking online, he wouldn’t tell people not to do it.

"I’m selling a hammer," he said. "They can beat nails with it, or their dog."

If someone calls with proof the software is being used nefariously, Eaton said he’ll show the person how to remove it.

Ari Schwartz, associate director for the Center for Democracy and

Technology, said there are legitimate uses for the product, such as catching employees engaging in fraud or child pornography.

But Schwartz recommends that employers inform their staffs if monitoring for certain activities is occurring. He also urges spouses and parents to think about the repercussions before using such software at home.

"If your relationship is at the point where you feel that you need to spy on your spouse, is this the best way to repair your relationship or perhaps (should) you be going to therapy?" he said.

In most cases, Schwartz said, snooping software is not illegal. But "we think morally there are some very large issues with (employers) tracking the personal habits of their employees."

A self-taught programmer who says he barely graduated from high school, Eaton stumbled on the idea for Investigator when he wrote a tracker program to help him find and repair software bugs.

He started selling it as a snooper product around 1997.

Eaton still runs the company much like he did five years ago from his home in the eastern Washington town of Kennewick. His wife handles the bookkeeping while he burns the CDs, answers the help line and runs the Web site.

Occasionally, Eaton also checks his own Investigator logs and is always disturbed by the amount of time he spends online.

"When I look at my logs during the day, I think I need to fire myself," he said.

Microsoft Admits XP Media Player Spies on Users

Microsoft has confirmed that the Windows XP version of its Windows Media Player is programmed to track which CDs users listen to and which DVDs they watch. The company also has altered its privacy statement to admit that its player software tracks DVD content, which was not previously mentioned.

However, the company downplayed privacy concerns. For example, Microsoft disputed claims by snooping software watchdog Richard Smith that Windows Media Player 8, which comes bundled with Windows XP, cannot be turned off and poses a threat to privacy because of its tracking capabilities.

Privacy advocates said the media player’s capabilities fly in the face of Microsoft’s "trustworthy computing" initiative, a new dedication to security and privacy that the company announced last month.

"This is a new level of profiling that I think is dangerous," Electronic Privacy Information Center (EPIC) legislative counsel Chris Hoofnagle told NewsFactor. "Microsoft says it’s concerned about privacy, but where is your ability to control information about yourself?"

Technical reviews and media reports indicate that Windows Media Player 8 is designed to track which DVD titles users watch on their PCs by contacting a Microsoft Web server and transmitting an electronic fingerprint for the movie and a cookie for the PC.

Windows Media Player also reportedly builds a database of DVD movies and CD music played on a specific user's PC.

In addition, the media player has been criticized for default settings that enable tracking, difficulty in accessing or clearing the database, and an inability to stop the program from contacting Microsoft servers.

In response to privacy concerns, Microsoft said the media player features aim to allow better navigation of the player and of DVD movies. The company added that its cookies do not contain personally identifiable information and can be cleared or blocked from within the Internet Explorer browser.

And although Microsoft updated its privacy statement for the Windows XP Media Player to refer to the tracking of DVD content, it said the new statement also will specify that "no tracking of user viewing is taking place."

Microsoft denied that any of the information collected by Windows Media Player will be sold, used for direct marketing or stored on the basis of DVD popularity.

EPIC's Hoofnagle said history shows that tracking the content individuals consume can have political consequences. He claimed the Windows Media Player technology marks a troubling trend from a privacy perspective.

"This will be the first of many realizations that software is being written so it can log content consumption," he said. "We're just coming on the brink of this."

Referring to required linkage to Microsoft Passport, which also has come under fire from privacy advocates, Hoofnagle said he is worried that users will be required to allow data collection and will not have control over the content with which they are associated.

"Currently, they're associating you with content," Hoofnagle added. "Down the road, it will be a means to charge as well as profile individuals based on their content habits."

Some Yahoo Sellers Splitting Personalities

Some Yahoo merchants are using a trick to boost their presence in the company's shopping search results.

Instead of opening one store in the company's shopping mall, they are opening multiple stores, all under different names, but offering mostly the same inventory at almost the same prices. The result is that a customer who searches for a product on Yahoo Shopping may find that they get multiple results from the same merchant without knowing it.

Placement in search results is important for a Web site or a Web store because only a minority of Web users tend to look at listings beyond the first page of results, said Danny Sullivan, an editor with SearchEngineWatch.com.

By "stuffing the listing" with products from their Web stores, Yahoo

merchants with multiple stores are crowding out competitors, Sullivan said. And that’s not good for consumers or other merchants, he said.

"This sounds like something that Yahoo needs to plug a hole in," Sullivan added.

The practice of setting up multiple storefronts with the same products does not violate the terms of service for Yahoo Shopping, said Stephanie Iwamasa, a company spokeswoman. Iwamasa did not know how many merchants have set up multiple storefronts but said the practice wasn’t widespread.

"This is a technique by some merchants to market their products more effectively," Iwamasa said. She said the practice was neither deceptive nor unfair, adding, "I think that this would be categorized as a technique and a strategy, not as a negative practice."

The strategy is similar to those once used by Web site operators to boost their presence in search results on sites such as Yahoo and Excite.com. But Web site search engines have largely cut down on the practice by clustering results from similar sites.

Yahoo may be loath to stop the practice because it gets additional revenue for each storefront a merchant creates, Sullivan said. Merchants pay $49.95 per month to have Yahoo host their stores and 10 cents for each item they list within their storefronts. Merchants also pay transaction fees to Yahoo.

"You would hope that Yahoo would clamp down on the practice, but obviously they’re making money on it, so perhaps they might not," Sullivan said.

But Yahoo’s Iwamasa said the revenue gained from merchants with multiple storefronts is "negligible" and not a motivating factor.

"That’s not a reason why we would not allow it," she said. "We can’t dictate whether these are ethical or non-ethical marketing techniques."

One Yahoo merchant, who noticed several months ago that some of his competitors were listing multiple stores, said it is Yahoo’s job to put a stop to the practice.

"Buyers are led to believe that they’re buying in a marketplace with a lot of competitors, but in the end, they are looking at only one," said the merchant, who requested anonymity. "It defeats the purpose of going to a marketplace. Imagine going to a mall and every store would be the same company--how would you feel?"

PC Makers Attack New Windows Fees

PC makers and several states allege that new Microsoft licensing agreements, arrived at under the proposed antitrust settlement between the software maker and the U.S. Justice Department (news - web sites), impose harsher terms on some manufacturers than agreements currently in place.

Under the new agreements, which Microsoft began putting into place late last year to satisfy the Consent Decree between the company and the government, the top two PC makers will pay $4 more per copy for Windows, according to a deposition by a senior Microsoft executive.

Meanwhile, in a legal brief filed this week with U.S. District Judge Colleen Kollar-Kotelly, the nine states seeking tougher sanctions against Microsoft allege the software company wrote these new terms for its own benefit.

The brief cites comments by Richard Fade, senior vice president of Microsoft OEM (original equipment manufacturer) sales and marketing, to bolster the states' argument that the settlement is weak and has done little to stop the software giant from abusing its monopoly in PC operating systems.

Based on Fade's Feb. 8 deposition, the states charge that the company has taken advantage of the terms of the proposed antitrust settlement "to adopt significantly more onerous licensing terms and to impose them on the (computer manufacturers)."

At least two PC makers apparently agree. Gateway and Hewlett-Packard have gone on the record with Microsoft as opposing the new licensing terms, according to Fade's deposition and documents included in the states' filing.

Three major issues appear to concern the PC makers: Windows pricing, patent protection, and the lack of flexibility in the new licensing agreements.

As part of the Consent Decree, Microsoft must offer the same licensing terms to the top 20 PC makers. Previously, it had negotiated each agreement separately. Negotiating separate deals, however, gave Microsoft the power to reward cooperative PC makers and punish others, according to some witnesses in the trial.

IBM, for instance, didn't get a license to bundle Windows 95 until the eve of the release of the OS, according to evidence at the trial. IBM did not want to bundle Microsoft's application packages on some of its PCs. Maintaining consistent contractual terms has been used in other markets to prevent antitrust violations.

HP sent a letter to Microsoft specifically expressing concerns over the protection of its patents. The letter asserts that the new licensing terms create a one-way street, allowing Microsoft access to HP patents without paying for them.

HP's letter also cites pricing as a sticking point, but many of those details were omitted before it was released by the states. This is a common practice used to protect company secrets in documents released to the public.

An e-mail from Gateway's Gui Kahl, director of partner management, says the company is "significantly concerned with the potential implication of some of the proposed terms" in the new licensing agreement.

Both Gateway and HP declined to comment on the materials released by the states.

Microsoft spokesman Jim Desler accused the states of distorting Fade's deposition and said the idea that Microsoft was improperly benefiting from the new licensing terms was "simply inaccurate."

Meanwhile, smaller PC makers such as MicronPC, Concentric Systems and

Systemax--companies without tremendous volume buying power--have publicly expressed support for the new pricing structure.

According to Fade's deposition, two customers--the top two PC makers--have experienced a price increase, while the remaining PC makers have stayed the same or received a price break based on the new terms.

The top two PC makers worldwide are Dell Computer and Compaq Computer, according to market researcher IDC.

"It's a price-per-volume curve," said Fade in the deposition. "So the deepest discount we had we bumped up $4, and then the price we had for the smallest customers we brought down. So if you had a curve...we brought the customers that paid the most down and the customers that paid the least up to bring that range to the middle."

Microsoft appears to be "taking some of the steepness out of the (pricing) curve," said Roger Kay, analysts with IDC. As a result, some PC makers will pay more, and some will pay less, to license windows.

"Anyone that's in a relatively worse position than they had been before will grouse and those who are better off can be expected to cheer," Kay said.

However, increases in licensing fees for companies such as Dell, as the No. 1 PC maker, create a sticky situation.

"If it gets stuck with $4 more than anticipated (in system cost), that's a big lump" for Dell, Kay said. "The final outcome, however, depends on what kind of market muscle Dell has and (depends on) the legal reality: Is it part of the settlement that Dell must accept the terms?"

Dell and other PC makers have several options. They could pass the cost on to the customers or they could change their hardware configurations in order to reduce cost in some other area.

Fade also said that in a series of meetings and e-mail discussions, Microsoft's top executives, including CEO Steve Ballmer, made it clear they did not want to "create financial gain" from the new terms.

"We felt it was the right thing to do not to create financial gain for the company out of the Consent Decree," said Fade. "It just seemed imprudent and untoward to do that, that the company would be benefiting from the action with the government and the fact that the Consent Decree would become binding on us and that we would have no option and that our customers would have...less recourse with us."

However, the litigating states said Microsoft had forced computer manufacturers to agree to sign a provision that would go further in preventing them from enforcing the patents on their own hardware against Microsoft.

Computer manufacturers reasonably might have expected a consent decree with the federal government to decrease Microsoft's power, but "as Mr. Fade attested, (the settlement) has had the opposite effect," the states said in their brief.

The states added that the top 20 PC manufacturers were all unhappy with the new terms.

"Although more evidence is needed, the evidence gathered to date indicates that Microsoft may not only have profited from its (settlement) negotiation, but negotiated in order to profit," the states said in their brief.

Microsoft's Desler said the patent provisions cited by the states were standard in past Windows licensing agreements and have been reviewed by U.S. and European regulators.

"It's fairly predictable that the states would distort information gathered in the deposition process in their effort to undermine the settlement reached by Microsoft, the department of justice (news - web sites), and a bipartisan group of states," Desler said.

An appeals court in June agreed with a lower court that Microsoft had illegally maintained its monopoly in personal computer operating systems, but rejected splitting the company in two to prevent future violations.

The U.S. Justice Department and another nine states that had joined in the case have agreed to a settlement with Microsoft that would, among other things, give computer makers more flexibility to feature rival software on their machines.

Nine states, including California and Massachusetts, have rejected the settlement deal as inadequate and are pressing for more severe sanctions against Microsoft.

The states want to force the company to sell a cheaper, stripped-down version of Windows, to give competitors easy access to the detailed Windows code and to ensure Microsoft's Office suite of business programs works with other software applications.

Dangerous Yarner Worm Spells Bad News

A dangerous worm from Germany is loose on the Internet.

Yarner (w32.yarner.a@mm) appears to be a newsletter about Trojan horses from a legitimate security site, but is actually a dangerous worm. Yarner is a Windows PE EXE file about 434K in size, written in Delphi. It uses its own e-mail engine to send copies of itself to others. Once executed, the worm deletes the Windows directory on infected computers.

At present, the infections are limited to Germany, however, a new variation could be produced in English or any other language. Because of the dangerous potential of this worm, Yarner ranks a 7 on the ZDNet Virus Meter.

Yarner arrives by e-mail and appears to be from Trojaner-Info [webmaster@trojaner-info.de]. This is a real address and is not the true origin of this e-mail. The subject of the infected e-mail reads "Trojaner-Info Newsletter [Current Date]" The body text is in German and appears to be a newsletter which translates into English as:

> "Hello!
> Welcome to the latest newsletter from Trojaner-Info.de
> Content:
> 1. YAW 2.0 - the latest version of our porn-dialer warner

****
1. YAW 2.0 - Our porn-dialer warner in its latest version.
Our widely used Dialerwarner YAW is now available in a brand new and enhanced version. All subscribers to our newsletter get this version for free with this newsletter.
Just start the attached file and YAW 2.0 installs itself.
If there are any questions the programmer of this unique tool is available at [...]
Have fun with YAW!
http://www.trojaner-info.de/dialer/yaw.shtml
****
That’s it with the latest Trojaner-Info news, thank you for your attention and we wish all our readers a pleasant week."

The attached file with this e-mail is yawsetup.exe.

If executed, Yarner will copy itself to the Windows directory as notedpad.exe, overwriting the system’s original Notepad application (notepad.exe). Whenever you launch Notepad, Yarner uses notedpad.exe to hide its presence. The worm adds two additional files: kerneI32.daa (which the worm uses to write e-mails) and kerneI32.das (which the worm uses to write known SMTP).

The worm then changes this registry file:

HKCU\Software\Microsoft\Windows\CurrentVersion\Runonce[random characters] = [random characters].exe

There can be up to 100 random characters assigned to these values.

To send e-mail, Yarner gains access to the Microsoft Outlook address book then scans all .php, .htm, .shtm, .cgi, .pl files in all subdirectories, looking for additional e-mail addresses. Yarner then uses its own SMTP engine (e-mail program) to send e-mails and connects to its own list of servers, including:

216.113.14.106
joy-go.gr.jp
ctripserver.ctrip.com.cn
202.101.62.207
cocess.cocess.co.kr
mail.bizpoint.com.sg
ns2.webshock.co.kr
olympus.mda.com.tr
linux2.ele-china.com
mailsvr.hanace.co.kr

After it has sent copies of itself, Yarner then deletes all files in the Windows directory.

Users of Microsoft Outlook 2002 and users of Outlook 2000 who have installed the Security Update should be safe from opening the attached file with Yarner. Users who have not upgraded to Outlook 2002 or who have not installed the Security Update for Outlook 2000 should do so. In general, do not open attached files in e-mail without first saving them to hard disk and scanning them with updated antivirus software. Contact your antivirus vendor to obtain the most current antivirus signature files that include Yarner.

Almost all the antivirus software companies have updated their signature

files to include this worm. This will stop the infection upon contact and in some cases will remove an active infection from your system. For more information, see Central Command, F-Secure, Kaspersky,McAfee, Norman, Sophos, Symantec, and Trend Micro.

Famed Hacker Mitnick Greets Former Target

A decade ago Kevin Mitnick tricked a Novell Inc. employee into giving him access to sensitive corporate data. This week the legendary hacker and his unsuspecting target met for the first time.

"This is ironic," Mitnick said as he and Shawn Nunley shook hands and greeted each other like old pals at the RSA Conference on computer security. The two laughed and swapped stories about the days when they were antagonists.

Labeled a "computer terrorist" by the FBI, Mitnick kept frustrated authorities on the hunt for three years as he hacked into the networks of Novell, Sun Microsystems Inc. and Motorola Inc. among others in the early 1990s.

Mitnick, who is now 38 and lives in the Los Angeles suburb of Thousand Oaks, California, was finally arrested in February 1995. Held without bail for nearly five years, he served eight months of it in solitary confinement.

"I was the only person in U.S. history ever held without a bail hearing," he said in an interview on Wednesday.

Fearing he wouldn’t get a fair trial, he pleaded guilty in March 2000 to wire fraud, computer fraud and intercepting communications. He was released but is required to get government approval before traveling and using any technology until his probation is up January 2003.

Although permitted to carry a cell phone, he still can’t use e-mail or surf the Web, and now authorities are trying to cut him off from the hobby he’s had for 25 years, ham radio.

Mitnick and Nunley’s paths first crossed in 1992 when Nunley worked for Novell. At the time, Mitnick was interested in getting access to operating system source code to see how computer users were authenticated.

"I was interested in log-in programs; to find out where I could place back doors," he says.

Impersonating an employee who was on vacation, Mitnick called Novell’s wide area networking department asking for an account so he could dial into the company’s network as any legitimate employee using a laptop would be able to do.

The engineer on duty referred Mitnick to Nunley, who was the only employee at the time authorized to create dial-in accounts. So Mitnick called Nunley at home.

Nunley agreed to do it but only if Mitnick first left a message on his voice mail at work as proof of the request in case his boss questioned it later. That voice mail was the evidence authorities eventually used to

nail Mitnick.

Knowing that Nunley would call the impersonated employee’s voice mail to verify his identity, Mitnick had already changed the employee’s voice mail using his own voice after convincing someone in Novell’s telecom department to surrender the password.

He also had earlier persuaded another engineer to move a compressed copy of a file containing source code for the company’s operating system software to a different server in the network.

Nunley, satisfied with the voice mail verification, created the account and within minutes Mitnick went to work transferring the source code to a computer outside the company.

Nunley, who now works as director of technology development at Netscaler in Santa Clara, California, says he quickly realized his mistake after seeing Mitnick traverse the network, but it was too late.

"At Novell, we felt violated and we wanted justice done," says Nunley. "We spent a lot of manpower cleaning up the mess he left."

But then Nunley came to believe that prosecutors were exaggerating the damage estimates and trying to "make an example out of" Mitnick, "I went from being happy about Kevin being punished" to being angry about it, he said.

So he called Mitnick’s lawyer to offer his help. The two men have been in telephone contact since.

Of the security conference, Mitnick said it struck him how insecure experts say wireless networks are.

"It’s like the old days of war dialing," where hackers would use a program to scan networks to get dial-up numbers from inside a company.

"Now you just sniff," or eavesdrop, he said. "The new wireless vulnerabilities are even worse than the old methods."

Much has changed since he was hacking and phone phreaking, or breaking into telephone networks, as a teenager.

"It’s a different world out there," Mitnick says. "When I started there weren’t even laws against it."

While he is prohibited from consulting on security, Mitnick is allowed to give speeches. His talk-radio show about the Internet was canceled recently, but he’s hoping to get another one going soon that will be syndicated.

He got a gig playing a CIA agent in the ABC TV show "Alias," but was turned down for the part of a computer hacker for a TV commercial for Internet Security Systems Inc.

Mitnick is barred from profiting from telling his story until 2010, but can write about security if it’s not a memoir. So he’s writing a book tentatively titled "The Art of Deception."

It is about a common hacker technique he was notorious for using -- social engineering -- in which a hacker dupes people into giving out information

rather than using technology to get it, which he said is much harder to do.

"A lot of businesses overlook social engineering attacks," he said. "Out of this whole conference there’s not one session that talks about it."

Nunley, who saw Mitnick’s skills as a trickster firsthand, said, "It’s a performance art."

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